

§ IN THE MUNICIPAL COURT

§ CITY OF ROUND ROCK

§ WILLIAMSON COUNTY, TEXAS

ORDER ADOPTING YOUTH DIVERSION PLAN

IT IS ORDERED pursuant to Article 45.306(b) of the Texas Code of Criminal Procedure that the Round Rock Municipal Court adopts the "YOUTH DIVERSION PLAN FOR THE ROUND ROCK MUNICIPAL COURT YOUTH DIVERSION PROGRAM" attached hereto as Exhibit "A".

SIGNED AND ENTERED Effective on **January 1, 2025**.



Alan M. McGraw
Presiding Municipal Judge
Round Rock Municipal Court



EXHIBIT "A"
YOUTH DIVERSION PLAN FOR THE ROUND ROCK
MUNICIPAL COURT
YOUTH DIVERSION PROGRAM

YOUTH DIVERSION PLAN
FOR THE ROUND ROCK MUNICIPAL COURT
YOUTH DIVERSION PROGRAM
(for offenses committed on or after January 1, 2025)

I. General

As provided by Chapter 45, subchapter “E” of the Texas Code of Criminal Procedure, a child *may* be diverted from formal criminal prosecution of a non-traffic, fine only offense through the Round Rock Municipal Court Youth Diversion Program. To be diverted, the child must meet all the eligibility requirements and enter into a Diversion Agreement.

Eligibility for the Youth Diversion Program, and the terms of any Diversion Agreement, will be determined by the Municipal Court Judge during the Court’s regularly scheduled juvenile docket. The Court will not employ intermediate diversion.

The Court will not charge the Youth Diversion Administrative Fee.

The Youth Diversion Coordinator shall be the Court’s Juvenile Case Manager.

At the end of the diversion period, the Judge will hold a Diversion Review Hearing with the child and parent (during the Court’s regularly scheduled juvenile docket) to determine if the Diversion Agreement was successfully completed. If the child satisfied all requirements of the Diversion Agreement, there will be no further proceedings related to the matter. If the child did not successfully complete the Diversion Agreement, the Judge will either (i) take allowed steps to provide the child an additional opportunity to complete the Diversion Agreement, or (ii) recommend that the prosecutor re-file the charge.

II. Eligibility

The child is eligible for the Youth Diversion Program only if the following conditions are met:

1. Child does not contest the charge (or if contested, and was found guilty after trial).
2. Applies only to non-traffic offenses.
3. Child has no diversion agreement in the past 365 days (in this, or other, court).
4. Child has no prior unsuccessful diversion (in this, or other, court).
5. Prosecutor does not object.
6. Child consents to the diversion.
7. Parent/guardian consents to the diversion.

III. Initial Diversion Meeting

An Initial Diversion Meeting will be held in open court during the regularly scheduled juvenile docket. All participants must be present (i.e., child, parent/guardian, Judge, Youth Diversion Coordinator) to discuss the Youth Diversion Program and a possible Diversion Agreement. At the meeting, the following will occur:

1. Review charge(s) with child and parent/guardian.
2. Determine if child wants to contest the charge.

3. If child wants to contest the charge, the child moves forward under regular court procedures for juveniles.
4. Determine if child and parent want to pursue the Youth Diversion Program.
5. If child and/or parent do not want to pursue the Youth Diversion Program, or if the child is not eligible, then the child moves forward under regular court procedures for juveniles.
6. Determine Eligibility.
7. Judge determines the terms of the Diversion Agreement.
8. Explain the Diversion Agreement to the child and the parent/guardian.
9. Child and parent/guardian must accept and sign the Diversion Agreement.
10. If a Diversion Agreement is executed, then the original charge shall be dismissed.

IV. Diversion Strategies and Terms of Diversion Agreement

For purposes of the Diversion Agreement, the Court adopts all of the diversion strategies of the types listed in Article 45.305 (with emphasis on **community service, educational classes related to the offense, and prohibition against future charges**) or other appropriate strategies based on availability, the needs of the child, and the long-term safety of the community.

There shall be a written binding Diversion Agreement that contains the components required in Article 45.309 & 45.310 of the Texas Code of Criminal Procedure. The objectives shall a.) consider the child's circumstances, b.) be rationally relevant to the alleged conduct, c.) be realistic to accomplish, and d.) be in the best interest of the child and the community.

The written agreement shall contain the following components as required by law:

1. An identification of the alleged conduct and diversion agreement terms in clear and concise language understandable to the child.
2. Positive and negative consequences of successful completion of, or failure to comply with, the terms of the diversion agreement.
3. An explanation that a guilty plea is not required, and that participation is not an admission of guilt.
4. An explanation of the review and monitoring process of compliance with the diversion agreement.
5. The agreed length of the diversion plan.
6. Signatures of the child and parent indicating each's consent to diversion, with the understanding that diversion is optional. Notification that the child and/or the child's parent may terminate the diversion at any time, and acknowledgement that upon termination, the case will be referred to court.

V. Case Management

During the diversion period, the Youth Diversion Coordinator may follow-up periodically for the sole purpose of evaluating program progress. Follow-up measures may include:

1. Follow-up calls to the child and parent(s)/guardian.
2. Contacting the Community Service provider.
3. Communication with school officials.
4. Conduct additional meetings as needed.
5. Referrals to educational classes and community service providers.

VI. Diversion Review Hearing(s)

All Diversion Agreements will contain notice of a Diversion Review Hearing to be held at the completion of the diversion period. The hearing will be held during the Court's regularly scheduled juvenile docket. The Judge will hold a hearing with the child and parent to determine if the Diversion Agreement was successfully completed. If the child satisfied all requirements of the Diversion Agreement, the diversion will be ruled successful, and there will be no further proceedings related to the matter.

If the child did not successfully complete the Diversion Agreement, the Judge will either (i) take allowed steps under Article 45.311(c) to provide the child an additional opportunity to complete the Diversion Agreement, or (ii) rule the diversion unsuccessful and recommend that the prosecutor re-file the charge.

If the Judge allows the child more time to complete the Diversion Agreement, then an additional Diversion Review hearing will be held after the completion of the extended diversion period, to determine if the Diversion Agreement was successfully completed. The Judge will have the same options as with the original Diversion Review Hearing.

If the child fails to appear at the Diversion Review Hearing (following a courtesy notice of reset), then the Judge may rule that the Diversion Agreement was unsuccessful, and recommend that the prosecutor re-file the charge.